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EXAMINER
MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,130	TADA ET AL.	
	Examiner	Art Unit	
	Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 3, 5-7, 9, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 3 is unclear, in that this claim appears to recite elements (i.e., at least two position sensors which are disposed correspondingly with the side edge position of the sheet) that are only directed to the non-elected species (i.e., as shown in Figs. 20-21).

Regarding claim 5, it is unclear what is meant by the recited "**one of** the first adjusting mechanism and the second adjusting mechanism can perform the adjustment by a fine adjustment step and a course adjustment step, **respectively.**" (emphasis added). One possible solution would be to amend claim 5 to recite "the first adjusting mechanism and the second adjusting mechanism can perform the adjustment by a fine adjustment step and a course adjustment step, respectively."

Regarding claim 9, it is confusing to have a **second** swing fulcrum claimed, without any first swing fulcrum claimed in claim 9 or claim 1 from which claim 9 depends. One possible solution would be to delete "second" in claim 9.

Claim 21 recites the limitation "the shaft of the drive source" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim 22 recites the limitation "the shaft of the drive source" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-8, 10-14 and 19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 60-262735.

Regarding claim 1, Figs. 1-10 show a sheet transporting apparatus (Fig. 1), comprising:

a sheet transportation path (near A in Fig. 1);

a predetermined number of transport members (5) disposed in the sheet transportation path (near A in Fig. 1);

a side position regulating mechanism (including 3) which regulates a position of a side edge of a sheet in the sheet transportation path (near A in Fig. 1), the side position regulating mechanism (including 3) having a reference member (12 or 27 or 28) configured to change a sheet regulation position;

a base member (including 2) on which at least the reference member is mounted;

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a first adjusting mechanism (including M1, 31 and 24) which adjusts a position of the reference member (12 or 27 or 28); and

a second adjusting mechanism (including M2, 33 and 32) which adjusts a position of the base member (including 2).

Regarding claim 4, Figs. 1-10 show that the first adjusting mechanism (including M1, 31 and 24) or the second adjusting mechanism (including M2, 33 and 32) can adjust the sheet regulation position of the side position regulating mechanism (including 3), in one or both of manual and automatic manners.

Regarding claim 5, as best understood, Figs. 1-10 show that one of the first adjusting mechanism (including M1, 31 and 24) and the second adjusting mechanism (including M2, 33 and 32) can perform the adjustment by a fine adjustment step and a course adjustment step, respectively.

Regarding claim 6, Figs. 1-10 show that, among the first adjusting mechanism (including M1, 31 and 24) and the second adjusting mechanism (including M2, 33 and 32), an operation for the fine adjustment step is linked with an operation for the coarse adjustment step.

Regarding claim 7, as best understood, Figs. 1-10 show that the sheet position regulation by the side position regulating mechanism (including 3) is performed while combinedly using the first adjusting mechanism (including M1, 31 and 24) and the second adjusting mechanism (including M2, 33 and 32).

Regarding claim 8, Figs. 1-10 show that the first adjusting mechanism (including M1, 31 and 24) supports the reference member (3) swingably around a first swing fulcrum with respect to the base member (including 2).

Regarding claim 10, Figs. 1-10 show that the first adjusting mechanism (including M1, 31 and 24) includes a drive source (M1) and a driving transmitting mechanism (including 31); and the drive source (M1) is coupled to the reference member (3) via the driving transmitting mechanism (including 31).

Regarding claim 11, Figs. 1-10 show that the second adjusting mechanism (including M2, 33 and 32) includes a drive source (M2) and a driving transmitting mechanism (including 33); and the drive source (M2) is coupled to the base member (including 2) via the driving transmitting mechanism (including 33).

Regarding claim 12, inherently there is some sort of controlling device which controls the first adjusting mechanism (including M1, 31 and 24) and the second adjusting mechanism (including M2, 33 and 32).

Regarding claim 13, Figs. 1-10 show that, in accordance with usage conditions of the sheet, the controlling device adjusts at least one of the first adjusting mechanism (including M1, 31 and 24) and the second adjusting mechanism (including M2, 33 and 32).

Regarding claim 14, Figs. 1-10 show that a direction of a sheet transportation face is used as a sheet usage condition.

Regarding claim 19, Figs. 1-10 show a sheet processing apparatus, comprising:

a sheet transportation path (near A in Fig. 1);

a sheet processing section (English Abstract) disposed in the sheet transportation path (near A in Fig. 1);

a predetermined number of transport members (5) disposed in the sheet transportation path (near A in Fig. 1);

a side position regulating mechanism (including 3) which regulates a position of a side edge of a sheet in the sheet transportation path (near A in Fig. 1), the side position regulating mechanism (including 3) having a reference member (12 or 27 or 28) configured to change a sheet regulation position;

a base member (including 2) on which at least the reference member (12 or 27 or 28) is mounted;

a first adjusting mechanism (including M1, 31 and 24) which adjusts a position of the reference member (12 or 27 or 28); and

a second adjusting mechanism (including M2, 33 and 32) which adjusts a position of the base member (including 2).

3. Claims 1, 2, 4-7, 10-14 and 19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 20020074718. (Schlageter).

Regarding claim 1, Figs. 1-5 show a sheet transporting apparatus (Fig. 4), comprising:

- a sheet transportation path (near F);

- a predetermined number of transport members (numbered paragraph [0027]) disposed in the sheet transportation path (near F);

- a side position regulating mechanism (including 14, 16, 26, 28 and 74) which regulates a position of a side edge of a sheet in the sheet transportation path (near F), the side position regulating mechanism (including 14, 16, 26, 28 and 74) having a reference member (14) configured to change a sheet regulation position;

- a base member (12) on which at least the reference member (14) is mounted;

- a first adjusting mechanism (including 18 and 22) which adjusts a position of the reference member (14); and

- a second adjusting mechanism (including 40, 42 and 46) which adjusts a position of the base member (12).

Regarding claim 2, Figs. 1-5 show that the side position regulating mechanism (including 14, 16, 26, 28 and 74) includes a side guide (16) disposed on a side of the sheet transportation path (near F) and correspondingly with the side edge position of the sheet and a skew member (including 74) which skew-transport the sheet toward the side guide (16).

Regarding claim 4, Figs. 1-5 show that the first adjusting mechanism (including 18 and 22) or the second adjusting mechanism (including 40, 42 and 46) can adjust the sheet regulation position of the side position regulating mechanism, in one or both of manual and automatic manners.

Regarding claim 5, as best understood, Figs. 1-5 show that one of the first adjusting mechanism (including 18 and 22) and the second adjusting mechanism (including 40, 42 and 46) can perform the adjustment by a fine adjustment step and a course adjustment step, respectively.

Regarding claim 6, Figs. 1-5 show that, among the first adjusting mechanism (including 18 and 22) and the second adjusting mechanism (including 40, 42 and 46), an operation for the fine adjustment step is linked with an operation for the coarse adjustment step.

Regarding claim 7, Figs. 1-5 show that the sheet position regulation by the side position regulating mechanism (including 14, 16, 26, 28 and 74) is performed while combinedly using the first adjusting mechanism (including 18 and 22) and the second adjusting mechanism (including 40, 42 and 46).

Regarding claim 10, Figs. 1-5 show that the first adjusting mechanism (including 18 and 22) includes a drive source (18) and a driving transmitting mechanism (including 22); and the drive source (18) is coupled to the reference member (14) via the driving transmitting mechanism (including 22).

Regarding claim 11, Figs. 1-5 show that the second adjusting mechanism (including 40, 42 and 46) includes a drive source (40) and a driving transmitting mechanism (including 42 and 46); and the drive source (40) is coupled to the base member (12) via the driving transmitting mechanism (including 42 and 46).

Regarding claim 12, numbered paragraphs [0030] and [0031] disclose a controlling device which controls the first adjusting mechanism (including 18 and 22) and the second adjusting mechanism (including 40, 42 and 46).

Regarding claim 13, Figs. 1-5 show that, in accordance with usage conditions of the sheet, the controlling device adjusts at least one of the first adjusting mechanism (including 18 and 22) and the second adjusting mechanism (including 40, 42 and 46).

Regarding claim 14, Figs. 1-5 show that a direction of a sheet transportation face is used as a sheet usage condition.

Regarding claim 19, Figs. 1-5 show a sheet processing apparatus (Fig. 4), comprising:

- a sheet transportation path (near F);

- a sheet processing section (numbered paragraph [0020]) disposed in the sheet transportation path (near F);

- a predetermined number of transport members (numbered paragraph [0027]) disposed in the sheet transportation path (near F);

a side position regulating mechanism (including 14, 26, 16 and 28) which regulates a position of a side edge of a sheet in the sheet transportation path (near F), the side position regulating mechanism (including 14, 26, 16 and 28) having a reference member (14 and/or 16) configured to change a sheet regulation position;

a base member (12) on which at least the reference member (14 and/or 16) is mounted;

a first adjusting mechanism (including 18 or including 20) which adjusts a position of the reference member (14 and/or 16); and

a second adjusting mechanism (including 40, 42 and 46) which adjusts a position of the base member (12).

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 9 and 21-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The fact that claim 3 has not been rejected in view of prior art is not an indication that such claim contains allowable subject matter. Rather, the scope of claim 3 is too unclear to make a determination as to patentability, as explained above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/28/2006



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